

MM 4-24-18

423-110-0001

Notice of Proposed Rulemaking

(1) Before permanently adopting, amending, or repealing any rule under OAR 423-110-0001 to 423-110-0050, the Youth Development Council shall give notice of the proposed adoption, amendment, or repeal:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the proposed rulemaking;

(b) By mailing or e-mailing, at least 28 days before the effective date of the proposed rulemaking, a copy of the notice to:

(A) All boards of county commissioners;

(B) All tribal councils; and

(C) All persons who request in writing to receive the notice at a specified postal or e-mail address in accordance with ORS 183.335;

(c) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335 at least 49 days before the effective date of the proposed rulemaking; and

(d) By mailing or e-mailing a copy of the notice to persons identified by the council.

(2) The council may annually update the council's list of persons to whom the council must mail or e-mail notice pursuant to ORS 183.335 by requesting persons to confirm that they want to remain on the list. If a person does not respond to a request for confirmation within 28 days of the date the council sends the request, the council will remove the person from the list. Any person removed from the list will be returned to the list upon request, provided that the person requests in writing to receive the notice at a specified postal or e-mail address in accordance with ORS 183.335.

Statutory/Other Authority: ORS 417.847

Statutory/Other Implemented: ORS 417.847

423-110-0010

Definitions

For purposes of OAR 423-010-0001 to 423-010-0050

(1) "At risk" refers to youth, individually or in aggregate, that has one or more predictive factors, and for which existent evidence indicates a likelihood of experiencing negative life outcomes.

(2) "Community investment" means an investment made in accordance with a funding model that:

(a) Supports community-based interventions focused on serving youth who are the most in need; and

(b) Is designed to achieve goals associated with education and career advancement, crime prevention, and removing barriers to school and work success.

(3) "Eligible applicant" means a person identified as being eligible to receive a grant under OAR 423-010-0020

(4) "Existent evidence" means the available body of peer reviewed research indicating whether a proposition is likely to be valid and reliable.

(5) "Grant agreement" means an agreement between a grantee and the State of Oregon, acting by and through the Oregon Department of Education, the Youth Development Council, and the Youth Development Division, that:

(a) Details the responsibilities of the parties to the agreement with respect to the council's mandate, mission, and commitment to equity; and

- (b) Upon execution, makes the grantee eligible for reimbursement of funds as specified in the agreement.
- (6) "Grantee" means a party or potential party to a grant agreement that is eligible for reimbursement of funds as specified in the agreement.
- (7) "Mutual benefit corporation" means a nonprofit corporation that is chartered by government and that has a mandate to serve the mutual benefit of its members.
- (8) "Nonprofit organization" means an organization:
- (a) Established as a nonprofit organization under the laws of this state; and
 - (b) That qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code, as described in ORS 314.011.
- (9) "Predictive factor" means an explanatory variable, element, condition, or feature that correlates with an increased likelihood of experiencing an outcome.
- (10) "Public benefit company" means a corporation or limited liability company that considers its impact on society and the environment as part of its business decision-making process, in addition to earning a profit.
- (11) "Reimbursement claim" means a claim submitted by a grantee to the division for payment of expenditures made pursuant to a grant awarded under OAR 423-010-0025.
- (12) "Tribal council" means the governing body of a tribe.
- (13) "Tribe" means a federally recognized Indian tribe in Oregon.
- (14) "Youth" means an individual who is school-aged to 24 years of age.
- Statutory/Other Authority: ORS 417.847
Statutory/Other Implemented: ORS 417.847

OAR 423-110-0015

Program Purposes; Community Investments

- (1) The purposes OAR 423-110-0001 to 423-110-0050 are to make community investments that are used to:
- (a) Establish or support programs for, and provide services to, youth who are at risk; and
 - (b) Support community efforts in a manner that embraces community decision making and collective partnerships when solving social issues.
- (2) To fulfill the purposes described in subsection (1) of this rule, the Youth Development Division shall:
- (a) Make community investments by issuing grants as described in OAR 423-110-0025;
 - (b) Make community investments by distributing funds that become available to the division for purposes other than issuing grants as described in OAR 423-110-0025, in a form and manner prescribed by the commission or, if there is a need for the timely distribution of funds, as otherwise determined by the division.
- Statutory/Other Authority: ORS 417.847
Statutory/Other Implemented: ORS 417.847

OAR 423-110-0020

Eligibility

- (1) The following are eligible to receive a grant under OAR 423-100-EEEE or a distribution under OAR 423-110-0015 (2)(b):
- (a) The nine federally recognized tribes in this state;
 - (b) Nonprofit organizations providing services in this state to youth who are at risk
 - (c) Faith based organizations providing services in this state to youth who are at risk;

- (d) Public benefit companies conducting business in this state and providing services in this state to youth who are at risk;
 - (e) Mutual benefit corporations conducting business in this state and providing services in this state to youth who are at risk;
 - (f) Counties, cities, and county and city governmental entities in this state; and
 - (g) Any other local government in this state, organization providing services in this state to youth who are at risk, or company or corporation conducting business in this state that provides services in this state to youth who are at risk, as identified by the Youth Development Council.
- (2) The following are not eligible to receive a grant under OAR 413-100-EEEE or a distribution under OAR 423-110-0015 (2)(b):
- (a) An entity or person that does not provide services in this state to youth who are at risk;
 - (b) An entity or person that the Youth Development Division determines has engaged in, or is engaging in, an activity described in OAR 423-110-0040.
- Statutory/Other Authority: ORS 417.847
Statutory/Other Implemented: ORS 417.847

OAR 423-110-0025
Competitive Grants

- (1) The Youth Development Division shall establish a process by which the division may issue grants for the purpose of making community investments. The process must be approved by the Youth Development Council.
- (2) The council must reapprove the process not less than once each biennium, or as otherwise determined by the council to be necessary.
- (3) The division shall notify eligible applicants of:
 - (a) The process;
 - (b) Submission deadlines and other important dates; and
 - (c) All applicable grant parameters.
- (4) The division shall make available to eligible applicants:
 - (a) Application forms;
 - (b) All other materials necessary to apply for a grant; and
 - (c) Any guidelines for applying for a grant that the division determines is necessary to properly inform eligible applicants how to properly apply for a grant.
- (5) Each application submitted under this rule must include:
 - (a) A proposal for expending grant moneys, including a description of all activities to be funded with grant moneys and the expected outcomes associated with the performance of those activities; and
 - (b) Other information as required by the division.
- (6) After submitting an application, each eligible applicant shall submit, in a form and manner prescribed by the division, a project budget that provides an accounting of grant moneys and how those grant moneys will be spent. The accounting may not provide an accounting of funds that are not grant moneys awarded pursuant to this rule.

Statutory/Other Authority: ORS 417.847
Statutory/Other Implemented: ORS 417.847

423-110-0030

Notice and Appeal

(1) Prior to awarding a grant under OAR 423-110-0025, the Youth Development Division shall send written notification of the initial determination of the distribution to any applicant that applied for the grant.

(2) If the applicant will receive a grant under OAR 423-110-0025 the written notification must take the form of a letter of intent to award. A letter of intent to award does not guarantee that the applicant will receive the grant. Receipt of a grant is contingent on satisfying any requirement imposed by or necessary to enter into a grant agreement.

(3) The division shall establish an appeals process by which an eligible applicant may appeal a decision to award a grant under OAR 423-110-0025. The process must be approved by the council.

Statutory/Other Authority: ORS 417.847

Statutory/Other Implemented: ORS 417.847

423-110-0035

Grant Agreements

Prior to distributing funds under OAR 423-110-0001 to 423-110-0050, the Youth Development Division shall enter into a grant agreement with the person or entity who is to receive the funds. At a minimum, the grant agreement shall establish the following:

(1) That funds will be rewarded in the form of reimbursements;

(2) Any condition for receiving funds that is necessary to ensure that the funds will be used for the purposes described in OAR 423-110-0015

(3) Requirements related to the keeping of records;

(4) Requirements related to reporting on the use of the funds;

(5) Requirements related to reporting on activities, actions, programming, and outcomes of the grantee or any party that the grantee is acting on behalf of; and

(6) Any other matter that the Youth Development Council requires to be included in a grant agreement.

Statutory/Other Authority: ORS 417.847

Statutory/Other Implemented: ORS 417.847

423-100-HHHH

Site Visits

If practicable, the division shall make a reasonable effort to visit a site where activities funded by community investments are conducted at least once a biennium.

Statutory/Other Authority: ORS 417.847

Statutory/Other Implemented: ORS 417.847

423-100-IIII

Prohibitions

An entity or person to which the Youth Development Division distributes funds under OAR 423-110-0001 to 423-110-0050 may not expend the funds on any of the following:

- (1) Any activity or use prohibited by state law or rule or local ordinance;
- (2) If the funds are federal funds, any activity or use prohibited by federal law or regulation;
- (3) Campaigning for office or campaigning on behalf of a person who is running for office or who is currently in office;
- (4) Religious instruction or recruitment;
- (5) Any activity or use that falls outside of the scope of work described within any grant agreement pursuant to which the funds were distributed.

Statutory/Other Authority: ORS 417.847

Statutory/Other Implemented: ORS 417.847

423-110-0050

Prioritizing Grants and Distributions

In awarding grants under OAR 423-110-0025 or making distributions under OAR 423-110-0015 (2)(b), the Youth Development Division may prioritize eligible applicants in consideration of the following:

- (1) Whether eligible applicants have documented evidence of serving underserved, underrepresented, and marginalized youth;
- (2) For the purpose of ensuring the geographic diversity of grantees and other recipients of funds, the geographic location of eligible applicants;
- (3) Whether funds are used in a culturally competent and gender-specific manner that reflects the population, needs, and resources of the identified community;
- (4) If the eligible applicant previously received a grant under OAR 423-110-0025 or a distribution under OAR 423-110-0015 (2)(b), or is the affiliate of any entity or person that previously received a grant under OAR 423-110-0025 or a distribution under OAR 423-110-0015 (2)(b), the findings of any site visit conducted pursuant to OAR 423-110-0040; and
- (5) Any other criteria that the division determines furthers its mandate, mission, and commitment to equity.

423-001-0000 (REPEALED)

Notice of Proposed Rule

~~(1) Except when adopting temporary rules pursuant to ORS 183.335(5), the Oregon Commission on Children and Families, prior to the adoption, amendment or repeal of any administrative rule under ORS Chapter 183, will give notice of the proposed action so interested citizens have a reasonable opportunity to be informed and to comment.~~

~~(2) The Oregon Commission on Children and Families will routinely send notices of proposed rule actions at least 28 days before the effective date of the rule to:~~

~~(a) All Local Commissions on children and families;~~

~~(b) All Boards of County Commissioners;~~

~~(c) Persons on the Agency's mailing list established pursuant to ORS 183.335(7);~~

~~(d) Anyone who requests such notices;~~

~~(e) The Secretary of State, for publication in the Secretary's Bulletin;~~

~~(f) The Associated Press, and the Capitol Press Room; and~~

~~(g) Other persons, agencies, or organizations that the Oregon Commission on Children and Families believes to have an interest in a particular rule or rule action.~~

~~(3) The Oregon Commission on Children and Families will send copies of the proposed rule to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule.~~

~~(4) The Oregon Commission on Children and Families will send copies of the proposed rule to interested persons as requested.~~

~~(5) When copies of rules or proposed rules are mailed, the Agency may charge fees to defray costs of one or more of the following:~~

~~(a) Maintenance of mailing lists;~~

~~(b) Materials; and~~

~~(c) Printing, handling and mailing of materials.~~

Statutory/Other Authority: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)

Statutes/Other Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)

History:

Reverted to OCCF 1-2004, f. & cert. ef. 9-15-04

YDD 5-2013(Temp), f. and cert. ef. 9-9-13 thru 3-5-14

YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

OCCF 1-2004, f. & cert. ef. 9-15-04

OCCF 1-2002, f. & cert. ef. 1-14-02

CCF 1-1995, f. & cert. ef. 8-11-95

CCF 3-1994, f. & cert. ef. 5-18-94

CCF 2-1994 (Temp), f. & cert. ef. 3-10-94

CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91)

JSC 1-1984, f. 12-28-84, ef. 1-1-85

JSC 1-1982, f. & ef. 5-19-82

JSC 2-1980, f. & ef. 4-10-80

423-001-0005 (REPEALED)

Model Rules of Procedure

~~The Model Rules of Procedure under the Administrative Procedure Act promulgated by the Attorney General effective March 27, 2000 are hereby adopted as the rules of procedure of the Oregon Commission on Children and Families.~~

Statutory/Other Authority: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)

Statutes/Other Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)

History:

Reverted to OCCF 1-2002, f. & cert. ef. 1-14-02

YDD 5-2013(Temp), f. and cert. ef. 9-9-13 thru 3-5-14

YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

OCCF 1-2002, f. & cert. ef. 1-14-02

CCF 3-1994, f. & cert. ef. 5-18-94

CCF 2-1994(Temp), f. & cert. ef. 3-10-94

CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91)

JSC 1-1986, f. & ef. 12-29-86

JSC 1-1984, f. 12-28-84, ef. 1-1-85

JSC 2-1982, f. & ef. 5-19-82

JSC 1-1980, f. & ef. 1-7-80

423-001-0006 (REPEALED)

Definitions

As used in OAR chapter 423:

~~(1) "Agency" means the State Commission acting through the staff of the Oregon Commission on Children and Families as defined in ORS 417.735(6).~~

~~(2) "Basic capacity" means an allocation to Local Commissions that provides for the basic functions of a Local Commission office which include the following functions:~~

~~(a) Managing resources (includes general office support, fiscal and budget management, program evaluation, and staff development);~~

~~(b) Facilitation and coordination of meetings and forums;~~

~~(c) Coordinated, comprehensive planning in accordance with ORS 417.775; and~~

~~(d) The provision of technical assistance to their communities.~~

~~(3) "Best practice" or "proven practice of effectiveness" means research-based or evidence-based programs, core components, and principles that have been shown to reliably produce measurable and sustainable improvements in productivity, efficiency, or effectiveness.~~

~~(4) "BOCC" or "Board of County Commissioners" means the governing body of a county as defined in ORS 203.030 and includes a county court as defined in ORS 203.111.~~

~~(5) "Budget allocation" means an allocation of funds from the State Commission to the Board of County Commissioners pursuant to an Intergovernmental Agreement per ORS 417.705 through 417.797 and 419A.170.~~

~~(6) "Budget distribution" means a budget created by Local Commission staff in a format prescribed by the Agency. The budget distribution demonstrates, by grant stream, the projected budget for all activities proposed by the Local Commission and approved by the Board of County Commissioners.~~

~~(7) "Collaborative funding process" means allowing all interested parties to have an opportunity to participate in a funding process intended to use resources in the most effective and efficient manner based on the local coordinated, comprehensive plan.~~

~~(8) "Community mobilization" means government and private efforts to increase community awareness and to facilitate the active participation of citizens and organizations in projects and issues that will have positive impact on the well-being of children, families and communities.~~

~~(9) "County" means a county or two or more counties, which have combined to provide services to children, youth and families under ORS 417.705 to 417.797 and 419A.170.~~

~~(10) "Direct costs" means those costs that can be identified specifically and directly with a particular program or project, such as a particular federal grant or a direct activity or program of the organization.~~

~~(11) "Direct Services" means those services provided directly to a child or family or group of children or families to maintain or enhance their well-being. Direct services do not include services that are contracted out to other parties pursuant to ORS 417.775-417.787 or being the fiscal agent of pass through funds.~~

~~(12) "Early Childhood System Planning" means planning developed to describe the system, process and services that families can voluntarily access and that is part of and consistent with the Local Plan. The planning includes goals and strategies to achieve the early childhood benchmarks and intermediate outcomes.~~

~~(13) "Expended" means the payment of goods delivered or services rendered or liquidation of an obligation.~~

~~(14) "Indirect Costs" means those costs that have been incurred for common or joint purposes and cannot be readily identified with or directly allocated to a particular program or project of the organization. Examples of indirect costs include building and equipment depreciation, rent and facilities maintenance costs, general and administrative expenses, and personnel administration and accounting where those costs are distributed to projects or programs through a formula or cost allocation method.~~

~~(15) "Initiatives" means those time-limited activities that a Local Commission undertakes to promote community mobilization.~~

~~(16) "Innovative program or practice" means a program or practice that demonstrates success when outcomes are evaluated over time and draws on research-based principles and ideas from best programs and practices.~~

~~(17) "Layperson" means a person whose primary income is not derived from offering direct service to children and youth or from administering a program for children or youth.~~

~~(18) "Local Commission" means a local commission on children and families appointed pursuant to ORS 417.760.~~

~~(19) "Local Plan" means the local coordinated, comprehensive plan for children and families that is developed pursuant to ORS 417.775 and includes identification of connections in state and local planning processes and provisions for a local continuum of social supports. The Local Plan includes planning for the early childhood system, alcohol and drug prevention and treatment, and high-risk juvenile crime prevention, and references mental health and public health service plans.~~

~~(20) "Locally invested funds" includes Children, Youth and Families, Great Start and Youth Investment grant streams.~~

~~(21) "Oregon Commission on Children and Families (OCCF)" means the totality of the service system described in ORS 417.705 to 417.797, and 419A.170, including the State Commission on Children and Families (417.730), the State Commission appointed director and staff (417.735), the local commissions on children and families (417.760) and specific program areas.~~

~~(22) "Partners for Children and Families" means the formal collaboration among state agencies and affected local agencies that works to combine planning and data requirements and coordinate policies and the provision of services to children and families.~~

~~(23) "Perinatal" means the period on or around the time of childbirth.~~

~~(24) "Primary health care" for purposes of Healthy Start means linkage and referral to health care resources and assisting families to establish a medical home for primary health care.~~

~~(25) "Prenatal" means the period of time from conception to the onset of labor.~~

~~(26) "Provider" means a program or service described in ORS 417.705 through 417.797 and 419A.17 that has been approved for funding by the Local Commission and the Board of County Commissioners.~~

~~(27) "Provider allocation" means those funds awarded by a county to a public or private agency or person to achieve an outcome within the county's Local Plan.~~

~~(28) "State Commission" means the Oregon Commission on Children and Families' appointed members established pursuant to 417.730.~~

~~(29) "Services for children and families" does not include services provided by the Department of Education or school districts that are related to curriculum or instructional programs as defined in ORS 417.705.~~

Statutory/Other Authority: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)

Statutes/Other Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)

History:

Reverted to OCCF 1-2009, f. & cert. ef. 6-24-09

YDD 5-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14
YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14
OCCF 1-2009, f. & cert. ef. 6-24-09
Reverted to OCCF 1-2004, f. & cert. ef. 9-15-04
OCCF 4-2008(Temp), f. & cert. ef. 12-12-08 thru 6-11-09
Reverted to OCCF 1-2004, f. & cert. ef. 9-15-04
OCCF 3-2007(Temp), f. 5-8-07, cert. ef. 5-11-07 thru 9-7-07
OCCF 1-2004, f. & cert. ef. 9-15-04
OCCF 1-2002, f. & cert. ef. 1-14-02